



State of Connecticut  
DIVISION OF CRIMINAL JUSTICE

**Testimony of the Division of Criminal Justice  
Joint Committee on Judiciary**

**March 23, 2012**

**S.B. No. 417: An Act Concerning Juvenile Matters and Permanent Guardianships**

**H.B. No. 5508: An Act Concerning Misrepresentation of Town of Residency  
with Respect to School Accommodations**

**H.B. No. 5512: An Act Concerning the Reporting of a Missing Child**

**H.B. No. 5546: An Act Concerning Sentence Modification for Juveniles**

**H.B. No. 5548: An Act Concerning Domestic Violence**

The Division of Criminal Justice respectfully offers the following testimony concerning bills on the agenda for today's public hearing:

The Division respectfully recommends the Committee's JOINT FAVORABLE SUBSTITUTE Report for S.B. No. 417, An Act Concerning Juvenile Matters and Permanent Guardianships. Specifically, the Division requests that the Committee amend Section 15 of the bill to provide for the continued automatic transfer to the adult court of those cases involving serious and violent class B felony crimes. Specifically, the Division believes the following crimes must remain subject to automatic transfer: Manslaughter in the First Degree, 53a-55; Manslaughter in the First Degree with a Firearm, 53a-55a; Assault in the First Degree, 53a-59; Assault of an Elderly, Blind, Disabled or Pregnant Person or a Person with Intellectual Disability in the First Degree, 53a-59a; Sexual Assault in the First Degree, 53a-70; Aggravated Sexual Assault in the First Degree, 53a-70a; Kidnapping in the Second Degree with a Firearm, 53a-94a; Burglary in the Second Degree while armed with explosives, a deadly weapon or dangerous instrument, 53a-101 (a)(1); Arson in the Second Degree, 53a-112; Robbery in the First Degree that causes serious physical injury to any person who is not a participant in the crime or when armed with a deadly weapon, 53a-134 (a)(1) and 53a-134 (a)(2). The Division has no objection to the transfer hearing being conducted in the Juvenile Court as long as the finding of probable cause continues to be an ex parte proceeding rather than after a contested hearing requiring witnesses and testimony.

The Division of Criminal Justice respectfully opposes H.B. No. 5508, An Act Concerning Misrepresentation of Town of Residency with Respect to School Accommodations, and would recommend the Committee take NO ACTION on this bill. It is our understanding that the genesis of this bill was a criminal prosecution in Norwalk. The bill would reduce the penalty for

intentionally registering a child for school in a municipality where the child does not live without paying the required tuition or other fees. Such conduct constitutes fraud on the municipality and should be treated as such. In the case in question the news media inaccurately and repeatedly reported that the defendant was homeless, while in fact she was not. Given the facts of that particular case, this bill is an overreaction to something that never happened.

The Division of Criminal Justice appreciates the concerns behind H.B. No. 5512, An Act Concerning the Reporting of a Missing Child, but does not believe the bill is necessary since existing law already applies and would in fact allow for stronger penalties. Section 53-21, "Injury or Risk of Injury to, or Impairing Morals of Children," would apply to the conduct proscribed by H.B. No. 5512. A violation of the risk of injury statute is a class C felony, which carries a penalty of not less than one nor more than ten years imprisonment and fine of up to \$10,000, as compared to a term of imprisonment of not more than one year and a \$2,000 fine for the class A misdemeanor provided for in the bill. The Division certainly understands the concern for children which prompted this legislation, but believes the bill is not necessary given the existing law and its appropriately stronger penalties. Accordingly, the Division respectfully recommends the Committee take NO ACTION on H.B. No. 5512.

The Division of Criminal Justice does not believe H.B. No. 5546, An Act Concerning Sentence Modification for Juveniles, is necessary. The Sentencing Commission already has the authority to examine the sentencing of juveniles who are tried and convicted as adults of serious felony crimes. In fact, the commission has already begun a discussion and the only thing that is clear at this point is that much more research needs to be done. The commission needs to carefully examine the circumstances surrounding all of the cases in question and not simply to base its analysis on anecdotal evidence or incomplete data. With the exception of those convicted of capital felony or murder, all of the affected defendants would be eligible for parole and thus already have a means for reducing the time they remain incarcerated. Again, there is no detailed data on their crimes, the impact of those crimes on the victims of those crimes, the factors considered at sentencing or any other aspects of the case. Should the committee decide that legislation is necessary to direct the Sentencing Commission to examine this issue the Division would strongly recommend that the legislation spell out clearly that the commission is to undertake detailed research of all cases and that the rights and interests of the victims of these crimes are also taken into consideration. H.B. No. 5546 as now drafted references only those who have committed serious crimes and makes no mention of the innocent victims of their crimes or the impact that sentence modification would have on those victims.

The Division of Criminal Justice supports H.B. No. 5548, An Act Concerning Domestic Violence, and would respectfully recommend the Committee's JOINT FAVORABLE SUBSTITUTE Report for this bill. The Division commends the Speaker's Task Force on Domestic Violence for the tremendous amount of time and effort devoted to examining our state's response to domestic violence. The Division has worked with advocacy groups on several of the issues addressed in the bill, including the proposed revisions to the statutes on stalking. We would again offer our assistance to the Committee as you seek to refine the language. The Division would request that bill be revised to amend subsection (a) of section 53a-40e of the general statutes to eliminate the restriction that limits the issuance of a standing criminal protective order to "a family or household member, as defined in section 46b-38a." The Division is aware of numerous instances where such orders would appropriately be issued against persons other than a family or household member.